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**MEETING MINUTE SUMMARY
 MILLCREEK PLANNING COMMISSION MEETING
 November 16, 2017 5:00 PM
 (Approved January 17, 2018)**

Approximate meeting length: 3 hours

Number of public in attendance: 17 plus those who did not sign or whose names were ineligible

Summary Prepared by: Alexandra Muller

Meeting Conducted by: Commissioner Stephens

ATTENDANCE

Commissioners	Present	Absent
Tom Stephens (Chair)	x	
Fred Healey (Vice Chair)		x
Shawn LaMar	x	
David Carlson	x	
Scott Claerhout	x	
Mark Mumford	x	
Heather Wilson	x	
Dave Allen		x
Russ Booth	x	

Millcreek	Present	Absent
Mayor Jeff Silvestrini	x	
John Janson	x	
Alexandra Muller	x	
Francis Lilly	x	
John Brems		x
Ashley Cleveland	x	

Hearing began at 5:05 p.m.

PUBLIC PORTION OF MEETING OPENED

Chairman Stephens read the opening statement.

ZM-17-004– Nathan Anderson requests Rezone from R-2-6.5 to RM

Location: 1253-1257 E. Elgin Ave. **Zone:** R-2-6.5. **Community:** Millcreek. **Planner:** Frank Lilly

Mr. Lilly introduced the planning staff by stating Kurt Hansen, Director of Community Development, and said he was privileged to have Mr. Hanson as a boss. He also introduced Ashley Cleveland who is a new Millcreek planner. He said with the other planner Robert May who was at yesterday's Planning Commission meeting that the four of them the Millcreek Planning Department.

He said this is a request for to rezone a small piece of property on E Ave from R-2-6.5 to RM. We are also recommending the adoption of a development agreement (DA) which bind the developer to the proposed rezone. He said this is actually a project the Planning Commission has seen before during the transitioning period of the county to Millcreek. He said the applicant had taken time to finesse the proposal.

He said this site is under an acre with the applicant proposing a restriction on town homes as described in the staff reports. This project falls under the minimum for a PUD but the City Council has authority to stipulate via DA. Mr. Lilly said the Planning Commission recommend a change in RM zoning the previous night allowing PUDS down to 8 units regardless of minimum acre size.

Mr. Lilly said the Planning Commission heard this February 15th of this year with a recommendation of approval. The City Council heard it on March of this year and continued the request pending the DA. He said at that time, the zones had changed and they requested it come back to the Planning Commission stipulating this would be a rezone to RM.

Mr. Lilly explained the existing zone and land use consisted of duplexes and commercial uses. The surrounding uses include residential multifamily uses, C3 zoning, office space, and storage units. He said this is a long and narrow site with trend moving from residential to mixed use in past 50 years. Applicant's proposal is going with the trend and fits in better with neighborhood content.

He said the project information on the table in the packet shows what is allowed in current zone and what the applicant is proposing. Applicant is proposing townhomes that top out at 29 feet with a density of 23 units per acre and a front yard 15-foot setback. There are 14 townhomes as part of this project with side yards are at 11 feet and amenities for residents. Each townhome will 2 parking stalls that meet the requirement.

The proposed plat will come back to the Commission assuming the City Council approves this for conditional use permit and preliminary plat approval. Amenities are required under recreational and open space policy: a small community park, garden, pavilion, and BBQ. He said they know what they are going to get with this project. The Millcreek Community Council recommended the project. He said he had not received any comments or emails. He said in their future planning effort what he keeps hearing in the emerging master gen plan that this may be a town center. He said that one fair question is whether this type of use is appropriate. He said staff believes it is appropriate for a mixed-use town center.

Mr. Lilly said staff recommends that Planning Commission recommends to City Council subject to DA that restricts the development to a townhome community consisting of 14 units as described in staff report. There is a draft DA in packet that applicant has prepared. There will be pedestrian access in the center and parking in the back. It is about two hundred feet to the property line. He said the architecture that the applicant is proposing is a contemporary design with a lot of glass and a nice mix of materials with brick along the front. He said this application has been reviewed by the fire marshal and county engineering. Mr. Lilly said that summarized his presentation.

Commissioner Mumford asked whether height was maximized in this zone?

Mr. Lilly answered no, as the maximum is 40 feet in the RM zone.

Commissioner Claerhout asked what is the building next to the project and whether it is the same price? He asked does it fit in and what is on the left side?

Mr. Lilly said it looks to be roughly the same. It is a 3-story building similar to others. He answered it looked to be residences to the left.

Applicant Nathan Anderson said he would like to give thanks to Frank Lilly because he is well read and well informed. He said there are 2 duplexes to the left and the rest of the area is commercial. Specifically, this property was purchased by him and his brother. He said the 35 feet building to the east of is higher plane because of the parking lot. He said they are at 29 feet with an additional 2 feet in a parapet wall. It is brick and metal in the front with stucco and siding. He said they will proceed with glass on the front doors and entry ways. Private outdoor space exclusive to owners and fenced cedar wood fencing with exclusive use too. He said there will be a 60/40 split with cement and grass with some areas being fenced in. That is the sum of the project. He said the other criticisms will be storage as they have learned their lessons over the years.

Public comment: 5:27pm

Community Council Representative Lynda Bagley, 1250 Manor Circle, said as far as she understands this has been approved many times.

No comment from the audience 5:28pm

Discussion from the Planning Commission:

Chairman Stephens said he was on the Millcreek Township Commission and what they did on a rezone did include a DA as a tool so when they made recommendations to the county council it was on a wing and prayer that what was said would actually get built. Now the city has DA that is binding between the city and the builder. He said any recommendation will be accompanied with the DA and sent to City Council will be built. Any failure by developer to not build and the city has recourse including reverting back to original rezone. Is that correct?

Mr. Lilly confirmed it was correct.

Chairman Stephens said the planners will fine tune with the developer to conform with city ordinance.

Commissioner Carlson motioned to recommend to City Council to approve rezone request ZM-17-004 located at 1253-1257 E. Elgin Avenue from R-2-6.5 to RM subject to the DA restricting development a townhome PUD of 14 units as described in staff reports.

Commissioner Clearhout seconded the motion.

Unanimous vote of approval.

ZM-17-005 – Dustin Buckthal requests rezone from M-1 to MD

Location: 4142-4180 S Main Street **Zone:** M-1. **Community:** Millcreek. **Planner:** Ashley Cleveland

Planner Ashley Cleveland stated the applicant Dustin Buckthal is seeking approval for rezone of 2.2 acres from M-1 to MD to develop a fitness gym. The facility will be an anchor as well as a gathering location and consistent with urban development along the area. The applicant is also proposing commercial frontage that exceeds 50% of footage required by the code. Ms. Cleveland said the surrounding area is vacant lot and retail. The area all equates to approximately 2.2 acres. A future development south of the gym includes a restaurant and other retail with office use on the 2nd level with a food truck area. The applicant is proposing a contemporary building design establishing its presence on Main Street. The building is 3 stories tall with maximum of 72 feet as provided in the MD rezone. The applicant wants the design consideration to be a defining structure for the area. The surrounding area would include safe access to public streets. Being there are none immediately there are proposed streetscape such as a plaza and the space is anticipated to have movie night.

Community council unanimously accepted this for recommendation. The proposed project will enhance an underutilized area and on a major road. There will be significant public benefit with the open space. This is the open area that will provide for movie tonight which can be a catalyst for the area as there have been a couple more developers come across our desks. The building will not taller than 3 stories.

Commissioner Mumfords asked whether curb and gutter would go down to Main Street? Mr. Lilly confirmed that is correct.

Commissioner LaMar asked whether it would come back for conditional use?

Mr. Lilly said it was permitted.

Architect Hannah Vaughn spoke for applicant Dustin Buckthal was not present due to family emergency. She said she is one of the architects for the project. She explained this is owner occupied and that this would be a different sort of investment. She said the applicant would not be leaving as there is commitment to surrounding community to

have a quality design. This will bring people to that neighborhood for a high density and pedestrian zone.

Chairman Stephens asked whether the MD zone is the standard as it stated one material will not be more than 50% side of the building. He also asked if the architects could walk through the exterior of the 3rd floor?

Ms. Vaughn answered the glass going up to 16.6 feet height with variation in material. She said that they are seeking something that is subtler with metal panels to arrive at that texture. There would be energy efficiency with no glare. She said at night it would glow like a little lantern.

Commissioner Mumford asked whether the address was correct on the end of the property?

Mr Lilly answered the address may not be correct but the parcels were. He said the intent was clear.

Speaker 1: Rodney Engh

Address: 4072 S Main

Mr. Engh said the area that has been industrial for quite a while and now they have too many residential units. It really looks good and then we will have housing units. It's a problem with too many people in a small area. He said years ago it was a trailer park though the area would be great for grocery store along the Trax. We need something more suitable for the people already there.

Speaker 2: Dave Hogan

Address: 1869 Gunderson Lane

Mr. Hogan said he would like to echo Mr. Engh's comments and people that come by from high density units. They leave debris and area will become a slum. He said he didn't think it will be good as the traffic would be terrible. He said if you are not a homeowner then you are not notified. Mr. Hogan said he hoped they were planning for a good future in the 10 years as he remembered the hoops he had to go through to build.

Speaker 3: Tim Rideout

Address: 50 East Central Avenue,

Mr. Rideout said the theft in the area was unbelievable where is has lived for the past 20 years. He said in the last 8 or 9 months he has had 30 or 40 cars broken into. He said he called Unified Police a number of times and was told that if no one was hurt there was nothing the police could do. He also said he was told if he couldn't catch a license plate on video it wouldn't help. He has \$30,000 in video and outdoor lighting. This is a new problem that started within the last year. He said he was told there are only 6 officers for the Millcreek office and when he called the Unified Police there were 6 or 9 people ahead of him before they could get to him. He said he wasn't aware a gym was being built and was more concerned with housing.

Ms. Vaughn responded by stating they can't respond to overall density in the area. She said the applicant does want to improve the neighborhood and this project is owner occupied with the applicant is invested in that spot. She said he has a full-time groundskeeper so if anything is thrown onto the ground it would be picked up. Ms. Vaughn added that there is a general principal that more pedestrians promote safety.

Closed public hearing: 6pm

Mr. Lilly said regarding the comments of business owners who mentioned crime that he had just spoke with Director of Community Relations Rita Lund to see if they can ask Chief Debry for a prioritization.

Commissioner Wilson said actual function of the applicant set forth regarding principals of the environmental were the following: more eyes helping security, more lighting, more active safe space so she would be in favor of approval.

Commissioner Carlson said he thinks this is a great project that fits well into the neighborhood and these facilities are great for young people, especially as a night time gathering place in this area and great addition to Millcreek

Commissioner LaMar said this area is in a transition phase and he was hopeful that a grocery store would happen but seeing commercial projects begin to come in is a positive. He said he liked the project and drove by it at night and would be in favor of the rezone for this project.

Commissioner Mumford agreed and said this was needed in the community and a good step in the Meadowbrook area.

Commissioner Clearhout made a motion to approve ZM-17-005 located at 4142-4180 S Main Street to rezone from M1 to MD subject to a development agreement.

Commissioner Carlson seconded the motion.

Unanimous approval.

30350 – (Continued from September 20, 2017) Russell Sorenson requests Conditional Use Permit for a Mixed Use Multifamily Development in the C-3 Zone
Zone: C-3. **Community:** Millcreek. **Planner:** Frank Lilly

Mr. Lilly said this applicant was continuing business from the September 20th Commission meeting and this project has changed significantly several times as this was something of a moving target. He said Mr. Sorenson seeks a conditional approval to develop a mixed use multifamily development consisting of 188 residential units on 13,000 square feet of commercial space on 2.3 acres. He described this as part of the parking lot for the old Villa theatre. Mr. Lilly said there will be upgrades to Gunn Avenue to create urban street scape interspaced with trees and there is room for off-

street parallel parking up to 17 stalls upon final engineering. He said the residential development is allowed under mixed use development in C-2/C-3 zones pursuant to chapter 1932 of Millcreek code.

Mr. Lilly said the Planning Commission was asked to consider this conditional use permit request in light of reasonably anticipated detrimental effects. The use shall be approved if reasonable conditions can be imposed. If the applicant can meet the standard and mitigate the detrimental effects then their job tonight is to approve if not then more time will be taken to approve. There will be amenities like rooftop garden and 22,000 square feet of open space that is beneficial to the community with the entrance occupying street corner. The second building is proposed along Gunn Avenue where the amenities will include gym facilities, dog run, dog wash that will be open to the public, and a playground of at least 1000 feet.

Mr. Lilly said they will call it the Green on Highland as nearby is Element 31 in Salt Lake City that connects with the Brickyards. He said this is one piece to redevelop this corridor with an emerging town center. It is urban and provides a walkable space that will greatly enhance the walkability of the area. He said applicant had provided a detailed package to include a proposed street walk section, garage/parking, and on units.

Chairman Stephens asked if the interior if the white is court yards?

Mr. Lilly answered yes, that is the atrium.

Mr. Lilly said applicant has included parking study is part of their proposal. The city's ordinance is chapter 19.80 of the Millcreek code which imposes a base parking requirement of 2 stalls per units with the guest parking number requirement to be determined by the Planning Commission. It furthers empowers the Planning Commission to change the parking standard by using documentation prepared by staff, study by qualified engineering firm, and association or institution guidelines. Mr. Lilly said right now the requirement is for 428 spaces which they can probably agree that is too much for an urban environment which leaves less space for what Millcreek really wants: good buildings, good landscaping, good streets, and good open spaces.

Mr. Lilly said the applicant has supplied a parking study with a proposal of 239 parking stalls which is a ration of 1.3 spots per unit. He says they know that there is a major grocer in walking distance that will shave off some the vehicle trips. Applying eligible parking standard would change the number to 285 parking stalls – this parking standard doesn't apply to this zone but illustrative though in the end the Planning Commission has the ability to make a judgment call. He said what needs to be kept in mind is that it is grounded in city policy and be consistent in their approach. He said absent a parking study that is their recommendation. The most significant will be at Gunn and Highland where there will be delays with gradual to more intense uses with I-80 nearby.

Mr. Lilly said there are 2 particular issues of concern in this use: detrimental effect on the traffic pattern with staff recommendation of 1.5 parking stalls per unit and the other

issue regarding adequacy of utility systems of power, sewer, storm water. Developers need to participate in incremental upgrade of new services. Millcreek Community Council voted 6 in favor and 2 against. He concluded by stating in general staff really like the project as it has come a long way with an innovative style design and the improvements to Gunn Avenue are substantial.

Commissioner LaMar asked for clarification regarding the bike parking. Mr. Lilly answered there will be 36 bike stalls.

Commissioner LaMar asked regarding the traffic peak times on Highland and Gunn Avenue with regards to staff concerns.

Mr. Lilly answered it doubled the wait time from 10 to 30 seconds per vehicle and he would ask the traffic engineer to take a look at the issue including adding a turning lane.

Commissioner Carlson said traffic issues would not just be on Gunn Avenue. It is right in the middle of the street there can be a lot of stacking there on peak hours trying to get on to the busy street.

Mr. Lilly said there are 2 accesses.

Commissioner Mumford asked whether there would be underground parking. Mr. Lilly was not completely certain as he thought there would be a ground level but he would let applicant speak to fully answer the question.

Architect Warren Lloyd said he would answer questions for applicant regarding infrastructure.

Co-Applicant Jake Christiansen said he owns 50% of the property of this project. He said he worked with Mr. Sorenson and Mr. Lloyd on this application. This previously had a full-size soccer field and now it has come a long way working with Mr. Lilly and Mr. Hansen who bring a tremendous amount of expertise as well as being very helpful. HE said height limit was reduced from 60 plus feet to 40 feet. He said there will be increased setback from Gunn Avenue to a 20-foot setback and on 13th to 25-foot setback which will be highly landscaped with nice outdoor space. He said parking would be structured underground and above that would be retail space with majority glass along with 2 floors above that.

Mr. Lloyd said there will be 2 parking areas. He gave additional details of the project: the bigger building will have 2 elevators, there will be 2 major courtyards, bike storage, a water feature that is on the ground level, and a dog wash. Currently, the space is a large parking lot so their view will be improved with a large amount of grass and trees with no blocked sunlight. He said there would improvements in the sewers and water infrastructure. He added that Mr. Lilly said one major point is the amount of crime that is potentially generated – right now that is broken lot as they are removing stolen cars from the property. He said they have had discussions with other developers and there will be improvement in walkability and community feel in area.

Commissioner LaMar stated previously it was a lot taller, then it was 174 units while now it had been reduced by 14 apartments.

Mr. Christiansen answered they had removed the full-sized soccer field which allowed the building footprint to be more spread out.

Chairman Stephens said this is a conditional use so this is not the case where the Planning Commission would be denying the applicant the ability to proceed but a matter of mitigating what the Planning Commission considers detrimental effects.

Audience comments:

Lynda Bagley, Community Council Representative, 1250 Manor Circle.

Ms. Bagley said they asked if notices had gone out as she had talked to other people who also had not received notices. She said she should have received a notice as she lives within 300 feet but never did but would explain why there is no crowd tonight. She said the motion that was made a proposal with an amendment

Speaker 1: Chris Fadowns

Address: 1275 East Gunn Avenue

Mr. Fadowns said he was concerned mainly with the traffic and said the southbound has no center lane as you approach Gunn Avenue as it cannot be widened unless you buy property from neighbors. He said the other problem is exit traffic leaving from Highland Drive. He said If you add a couple of hundred cars it will wreak havoc. He said the parking is not appropriate as Salt Lake City is like Los Angeles in that no uses mass transit. You are not going to be biking to get groceries as there is no biking groceries with a 4-gallon milk. Mr. Fadowns said he just wrote a check for \$12,500 for sales tax in the last quarter and this would diminish his ability to run his business. He thinks the traffic study from the county originally had traffic as a C3 and that they are comparing apples to oranges with mass flood of people leaving in the morning and afternoon where retail is different. He said this space could be producing retail sells tax. He said he personally feel bullied as he did not receive notice nor did other people he checked with. Mr. Fadowns said he finds the noticing suspicious and he thinks this is being bull dozed through.

Speaker 2: Chris Ensign

Address: 3468 Zarahelma Avenue

Mr. Ensign said he is the soon to be applicant across the street from Gunn Avenue. He said he liked the direction of the project and was excited to see the growth. He said he currently resides in Millcreek but did say the traffic is tricky. He said he hopes people can walk to the shops. He said studies have shown baby boomers want walkability.

Speaker 3: Ryan Heath

Address: 2159 East Brindamere Circle

Mr. Heath said he is a friend of the developer and wanted to bring up some facts as he manages apartments. He said he manages 14,000 units and they have a 1 to 1 bedroom to parking ratio – not units. He said this project is similar to apartments that he manages and thinks this more than enough to accommodate regarding parking units. He said they have seen a huge increase in value there as his brother lives in Element 31 and they do not have parking issues. There is assigned parking while the rest is shared. He said their parking ratio is less than what is being proposed here.

Speaker 4: Lynda Bagley

Address: 1250 Manor Circle

Ms. Bagley said there were things brought up with parking as an issue. She said this commercial and residential so there should be more parking than less. She said this study occurred in August which is a slow month and she didn't think it represented what happens when there is cold weather where people use their cars more. She said she observed another project on Highland Drive where parking was the issue and that was a smaller unit at 188. Ms. Bagley said another thing worth noting: there is nothing as far as the storm drains are concerned from Elgin Avenue to the old Tony's building, which is now an old closed down bar.

Mr. Sorenson responded to the public comments by stating the staff report contained all studies required for this parcel. He said there is no fault line, there is an engineering design already for the flood zone, there is a storm drain system that would accommodate the storm system runoff. He said they have storm water on site and will not be dumping into it but will pay a large impact fee. Mr. Sorenson said this is a huge public benefit as the service lines will be upgraded, there will be fire protection, and brand-new infrastructure. He said additionally the roadway will be replaced. He said Gunn Avenue will eventually be brand new with all new development paid by developers. We will be upgrading all the underground system and benefit the visual corridor. He said he cannot think of any detriment as there will be better roads and defined sidewalks while all for free for the city.

Mr. Lloyd said he wanted to address the issue of people feeling bulldozed through by pointing out they have been to the neighborhood council 3 times, and to the Planning Commission 3 times. He said the developers were clearly listening and responding to issues brought up.

Public Comment closes.

Commissioner Carlson said this was the right project at the right place at the right time. He said the concern was with traffic impact and parking but the study suggested that the lower parking stalls would accommodate this development. He said if the Commission is asking for more parking than necessary then it would take away from the value of the project as he was uncomfortable with that. He was still concerned with traffic on Gunn Avenue. He said he doesn't have a solution but it may be another issue that can be worked out with the traffic engineer and the planning staff working out solutions to mitigate the traffic. He said he would feel comfortable to delegate to people who have the expertise.

Commissioner Booth said he appreciated the patience of the developer and he also thought the project was great addition. He said he raised family and had business in the area. His concern was over the parking and the over reliance of parking studies. He doesn't know if it's a walkable community but people's habits can change with limited parking.

Commissioner Claerhout said he would like to comment on the 2 bus routes as he was familiar with the area. He said the bus route was already filled to capacity and standing room only. He suggested perhaps UDOT needs checked into the issue.

Commissioner LaMar said there were definite improvement from previous petitions since this was 3rd time back but he doesn't feel like it is all there yet. He said he is in favor of the direction of the project but the main concerns were the parking and traffic. He said he had spent 90 minutes reading and it is little less than 100 pages but he would like more time to digest it. He said it would be wise to get a 2nd opinion to see if issues of traffic can be mitigated before going forward. He said he that a project this large that had noticing issues should not be too hasty.

Commissioner Wilson said she thought the architecture exceptional with an award-winning team and the developer has solved a lot of problems. She said her concern revolved around the traffic degradation to level E. She said any steps to eliminate any time idling in wait queues would be good. Commissioner Wilson said the infrastructure improvements would need more bus service if there would be less parking and to see if it was possible to push the mass transit a to a higher capacity which would be better for the area.

Chairman Stephens asked staff about the notice concern.

Mr. Lilly answered he has the record of property of where notices were sent with over a week in advance.

Alexandra Muller said the notices were also posted on the public notice website, on City office, in the newsletter, and ran in the Tribune newspaper. She said 2 notices had been returned.

Chairman Stephens said they only this 1 chance to get it right. He said there will be 17 stalls on street parking that should not be taken into account as there people will be parking on the north side. The recommendation will be the mandated parking. The traffic study is very detailed while the parking study is the not. His recommendation would be a parking ration of 1.2 regardless of the size of the bedroom.

Mr. Lilly said there are a couple of important issues with the technical experts. He said one option they can use is found in section C under chapter 1984 for conditional use approval as their approval is preliminary. He said Planning Commission has the option to say as a condition of preliminary approval that a conditional use application is brought before the Commission before consideration of final approval.

Commissioner Carlson said he liked that rather than have the applicant come back again and again. He said they should follow Mr. Lilly's advice and kick it back to staff to address the 2 concerns on traffic and parking.

Mr. Lilly said the conditional use approval would be a baseline and then they could address the issues on parking or traffic later.

Commissioner Carlson motioned to grant approval to #30350 for conditional use permit subject to the condition stated in staff report and the condition that the planning staff come up with a solution for parking and traffic issues.

Commissioner Wilson seconded the motion.

Commissioner Booth – yes
Commissioner Wilson – yes
Commissioner Carlson – yes
Chairman Stephens – yes
Commissioner Mumford - yes
Commissioner Claerhout – yes
Commissioner LaMar – No

Commissioner Mumford motioned for adjournment.

Commissioner Carlson seconded.

Unanimous approval for adjournment.